HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10866 of 2006

DATED: 06.06.2006

Between:
Myneni Suresh **.....**
PETITIONER

AND

The Greater Visakhapatnam Municipal Corporation, Visakhapatnam, represented by its Commissioner, Tenneti Bhavan, Visakhapatnam.

.....RESPONDENT

WRIT PETITION NO.10866 of 2006

ORDER:

Heard both the counsel on record.

The Writ Petition is filed praying for a direction more particularly in the nature of Writ of Mandamus declaring the action of the respondent and its officials in attempting to demolish the petitioner's building structure situated in an extent of 690.69 sq.yards in S.No.103/2, Chinagantyada village, within the limits of Greater Visakhapatnam Municipal Corporation, Visakhapatnam without issuing any notice or giving an opportunity of being heard as illegal, arbitrary and unjust and also for other consequential reliefs.

There cannot be any doubt or controversy that when a person made construction in deviation of building plan, the same would be illegal, but, before initiating action of demolition of such illegal structures or illegal constructions, as the case may be, the procedure as contemplated by the provisions of Hyderabad Municipal Corporation Act, 1955 to be followed.

In the light of the same, the Writ Petition is disposed of at the stage of admission with a direction to the respondent not to take any demolition activity except by following the due procedure specified by the Act aforesaid. There shall be no order as to costs.

06.06.2006

SSR

Issue order copy in two days.

(BO)